

Remarks

Claims 1-43 are pending in the application. Claims 1-20 and 34-43 were rejected. Reconsideration of the claims is respectfully requested. No new matter has been added.

Claim Rejections - 35 U.S.C. §§ 101 & 112

The Examiner rejected claims 1-20 and 34-43 under 35 U.S.C. § 101 “because the claimed invention is not supported by either a specific asserted utility or a well established utility.” The Examiner also rejected claims 1-20 and 34-43 under 35 U.S.C. § 112, first paragraph “since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.” While applicants do not agree with the Examiner’s rejection, claims 1 and 34 have been amended to particularly point out the invention.

Claim 1, as amended, provides a method of resolving a plurality of vehicle torque requests from a plurality of torque requesting elements, at least one of the plurality of torque requesting elements having at least one desired second level base torque and at least one desired second level fast torque. Thus, at least one element within the vehicle has a need for second level base and fast torques. This element has been added to the preamble and in no way changes the scope of claim 1 or necessitates a new search on the part of the Examiner.

Applicants believe claim 1 meets all substantive requirements for patentability. Claims 2-20, which depend from claim 1, are also patentable.

Claim 34 as amended, provides a controller in which at least one of the transmission input level base requests and fast requests is used to control a transmission level

torque producing device. This element has been added as a “whereby” clause and in no way changes the scope of claim 34 or necessitates a new search on the part of the Examiner.

Applicants believe claim 34 meets all substantive requirements for patentability. Claims 35-43 depend from claim 34 and are therefore also patentable.

Allowable Subject Matter

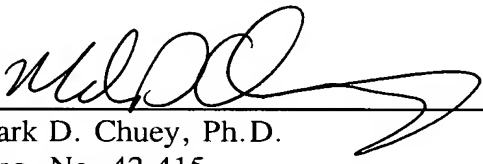
The Examiner allowed claims 21-33.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. No fee is believed due by filing this paper. However, any fee due may be withdrawn from Deposit Account No. 061510 as specified in the Application Transmittal. The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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